

THE HONORABLE RICARDO S. MARTINEZ

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UTHERVERSE GAMING LLC,

Plaintiff,

v.

EPIC GAMES, INC.,

Defendant.

Case No. 2:21-cv-00799-RSM

**DECLARATION OF KATHERINE  
MCNUTT IN SUPPORT OF  
DEFENDANT EPIC GAMES, INC.'S  
MOTION TO SEAL REGARDING  
MOTIONS IN LIMINE**

I, Katherine E. McNutt, declare as follows:

1. I am an attorney at the law firm of Morrison & Foerster LLP, counsel for Defendant Epic Games, Inc. (“Epic”). I have personal knowledge of each fact stated in this declaration, to which I could and would competently testify if called as a witness.

2. I submit this declaration pursuant to LCR 5(g)(3) in support of Epic’s Motion to File Under Seal Pursuant to Civil L.R. 5(g).

<b>Epic Confidential Information</b>		
<b>Documents</b>	<b>Portion(s) to Be Sealed</b>	<b>Reason(s) for Sealing</b>
Epic’s Motion in Limine No. 3	Yellow highlighted portions of document	Contains detailed information regarding confidential Epic internal financial information concerning company-wide revenues and <i>Fortnite</i> -wide revenues
Ex. 3 to the Declaration of Katherine McNutt in Support of Epic’s Motions in Limine	Yellow highlighted portions of document	Contains detailed information regarding Epic’s proprietary system and <i>Fortnite</i> ’s infrastructure, including confidential internal Epic technical documents, transcripts of depositions of Epic engineers discussing confidential details of <i>Fortnite</i> ’s infrastructure, and <i>Fortnite</i> source code

3. I, Katherine E. McNutt, counsel for Epic, met and conferred with Emily McNally, Melenie Van, and Iqra Iqbal, counsel for Uthervers Gaming, LLC, by teleconference on August 30, 2024, regarding a motion to seal with respect to Epic’s Motions in Limine. Prior to that conference, I informed counsel for Uthervers of the materials Epic planned to file under seal. During and prior to the meet and confer, counsel discussed steps that could be taken to minimize the amount of materials to be filed under seal and determined that certain documents need not be filed under seal. Ms. Van confirmed that Gary Shuster, Brian Shuster, Uthervers Gaming LLC, and Uthervers Digital, Inc. would not oppose Epic’s motion to seal the Epic Confidential

1 Information identified above.

2 I declare under penalty of perjury under the laws of the United States that the foregoing is  
3 true and correct. Executed on August 30, 2024 in Mammoth Lakes, California.

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5 /s/ Katherine E. McNutt

6 KATHERINE E. MCNUTT  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2024 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Katherine E. McNutt  
KATHERINE E. MCNUTT